

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JASON FLORY,

Plaintiff,

v.

No.: CIV 17-0457 WJ/KBM

ANDREW SAUL,<sup>1</sup>  
Commissioner of Social  
Security Administration,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

The Magistrate Judge filed her Proposed Findings and Recommended Disposition (“PF&RD”) on May 7, 2020, recommending that the Court grant Plaintiff’s Motion for Order Authorizing Attorney Fees Pursuant to 42 U.S.C. § 406(b). *Doc. 33*. In making this recommendation, the Magistrate Judge found that the requested attorney fee award of \$8,113.00 was both appropriate and reasonable. *Id.* at 4. The PF&RD notifies the parties of their ability to file objections and that failure to do so waives appellate review. *Id.* at 5. To date, neither party has filed objections.

Wherefore,

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. The Magistrate Judge’s Proposed Findings and Recommended Disposition (*Doc. 33*) is **ADOPTED**;

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<sup>1</sup> Andrew Saul was confirmed as Commissioner of Social Security on June 17, 2019, and he therefore is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d).

2. Plaintiff's Motion for Order Authorizing Attorney Fees Pursuant to 42 U.S.C. § 406(b) (*Doc 31*) is **GRANTED**;
3. Plaintiff is awarded \$8,113.00 in attorney fees under 42 U.S.C. § 406(b) to be paid to Laura Joellen Johnson, Managing Member of Michael Armstrong Law Office, LLC, by the Social Security Administration; and
4. Plaintiff should receive, as a refund, the EAJA fee previously awarded in the amount of \$4,600.00, or, if applicable, only such portion of the EAJA fee not subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)).



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CHIEF UNITED STATES DISTRICT JUDGE